

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DERON MCGRAW,

Petitioner,

Case No. 06-CR-20672

v.

Hon. John Corbett O'Meara

UNITED STATES OF AMERICA,

Respondent.

**ORDER DENYING PLAINTIFF'S MOTION
TO PROCEED *IN FORMA PAUPERIS* ON APPEAL**

Before the court is Plaintiff's motion to proceed *in forma pauperis* on appeal, filed July 18, 2011. The court denied Plaintiff's motion to vacate sentence and declined to issue a certificate of appealability on May 17, 2011.

A court may grant *in forma pauperis* status if the court finds that an appeal is being taken in good faith. See 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24 (a); Foster v. Ludwick, 208 F. Supp. 2d 750, 765 (E.D. Mich. 2002). Good faith requires a showing that the issues raised are not frivolous. Id. In the present case, the court will DENY Plaintiff leave to appeal *in forma pauperis*, because the appeal would be frivolous for the reasons stated in the court's order dated May 17, 2011. See Allen v. Stovall, 156 F. Supp. 2d 791, 798 (E.D. Mich. 2001).

SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Date: September 30, 2011

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, September 30, 2011, using the ECF system and/or ordinary mail.

s/William Barkholz

Case Manager